

13.04.2021
SL No. 44
Court No.24
(P.M.)

WPA 8007 of 2021
Tathagata Kayal & Anr.
Vs.
The State of West Bengal & Ors.
(Via Video Conference)

Ms. Shohini Chakraborty,
Mr. Intikab Alam Mina,
Ms. Prajyani Das
... for the petitioners

Mr. Debjit Mukherjee,
Ms. Rupsa Chakraborty
... for the State.

The grievance of the petitioners is that the Sarisha Gram Panchayat has issued a stop work notice on 13th January, 2021 restraining the petitioners from raising the boundary wall, in response to the complaint filed by the private respondents. The reasons for not raising the boundary wall has, however, not been disclosed in the said stop work notice.

The petitioners made an application before the Prodhan of the Gram Panchayat requesting for supplying a copy of the complaint filed before the Panchayat. Petitioners complain that the same has not been supplied till date. No permission has also been given to the petitioners for making construction of the boundary wall.

Affidavit of service filed by the petitioners show that the copy of the writ petition which is served upon the Prodhan has been returned with the endorsement 'refused'

and the postal article of the private respondents has been returned with the endorsement 'unclaimed'

Learned advocate appearing on behalf of the State respondent is present.

As it appears that the stop work notice issued to the petitioners does not disclose the reasons for stopping the work of construction of the boundary wall and the application of the petitioners praying for supplying the copy of the complaint filed by the private respondents is pending consideration at the end of the respondent authorities, no useful purpose will be served by keeping the writ petition pending.

The writ petition is accordingly disposed of by directing the Prodhan of Sarisha Gram Panchayat being the respondent No. 2 herein to consider the representation filed by the petitioners on 29th January, 2021 for supplying the relevant documents pursuant to which the stop work notice was issued, within a period of ten weeks from the date of communication of a copy of this order. The said respondent shall afford an opportunity of hearing to the petitioners and other necessary parties and pass a reasoned order with regard to the prayer of the petitioners for construction of the boundary wall and communicate the same to all the necessary parties, immediately thereafter.

WPA 8007 of 2021 stands disposed of.

Urgent photostat certified copy of this order, if applied for, be given to the parties on completion of usual formalities.

(Amrita Sinha, J.)